

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DWAYNE E. LOUCKS,	:	CIVIL ACTION NO. 1:04-CV-0366
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
JASON JAY, et al.,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 13th day of December 2005, upon consideration of plaintiff's third motion for appointment of counsel (Doc. 102), the first motion having been denied by order dated June 17, 2004 (Doc. 20), and the second motion having been denied by order dated April 25, 2005 (Doc. 68), and it appearing from the complaint, amended complaint, motions and briefs filed by plaintiff, that plaintiff is capable of properly and forcefully prosecuting his claims with adequate investigation and discovery requests and appropriate citations to governing authority, and that resolution of plaintiff's claims neither implicates complex legal or factual issues or requires the testimony of expert witnesses, see Montgomery v. Pinchak, 294 F.3d 492, 499 (3d Cir. 2002)(citing Tabron v. Grace, 6 F.3d 147, 155-57(3d Cir. 1993)), it is hereby ORDERED that the motion (Doc. 63) is DENIED. It is further ORDERED that plaintiff's request to appoint Samuel C. Stretton, Esq. to represent him *pro*

bono is DENIED.¹ If further proceedings demonstrate the need for counsel, the matter will be reconsidered either *sua sponte* or upon motion of plaintiff.

/s/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

1. Plaintiff states that imprisonment limits his income and he cannot pay for an attorney or afford the costs associated with the prosecution of this case. (Doc. 102, p. 1).